

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Resolution ALJ-325  
Administrative Law Judge Division  
\_\_\_\_\_, 2015

**RESOLUTION**

RESOLUTION ALJ-325 - Dismissing the Appeal of Ted Peng Chu Wang, dba Teddy Express (TCP 33082) from Citation LAX-977 issued April 29, 2015 by the Safety and Enforcement Division pursuant to Resolution ALJ-187 and closing proceeding K.15-06-014.

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**SUMMARY**

This resolution dismisses the Appeal of Ted Peng Chu Wang, dba Teddy Express (TCP 33082) from Citation LAX-977, issued April 29, 2015, by the Safety and Enforcement Division pursuant to Resolution ALJ-187, and closes proceeding K.15-06-014.

**DISCUSSION**

Pursuant to Resolution ALJ-187, on April 29, 2015, the Commission's Safety Enforcement Division (SED) issued Citation LAX-977 (Citation) to the Appellant, Ted Peng Chu Wang, dba Teddy Express (TCP 33082) (Appellant). The Citation assessed a \$500 fine against Appellant for failure to produce a valid waybill upon request in violation of California Public Utilities Code Section 5360.5 and Commission General Order (GO) 157-D, Part 3.01.

Appellant filed a timely appeal of Citation on May 28, 2015 (Appeal), which initiated proceeding K.15-06-014. An evidentiary hearing was set for August 12, 2015.

On August 10, 2015, Appellant requested that the evidentiary hearing be cancelled and that he wishes to withdraw the Appeal (Attachment 1). No party opposes this request.

Therefore, the appeal is dismissed with prejudice.

**COMMENT**

Pursuant to Pub. Util. Code Section 311(d) and Commission Rules of Practice and Procedure, Rule 14.6(c)(2), the 30-day review period is waived because this resolution grants requested relief and the relief request is uncontested.

**ASSIGNMENT OF PROCEEDING**

Kimberly H. Kim is the assigned Administrative Law Judge in this proceeding.

**FINDINGS OF FACT:**

1. Appellant filed a timely Appeal of Citation on May 28, 2015, which initiated proceeding K.15-06-014.
2. On August 10, 2015, Appellant requested that the evidentiary hearing be cancelled and that he wishes to withdraw the Appeal.
3. No party opposes Appellant's request to withdraw the Appeal.

**CONCLUSIONS OF LAW:**

1. Appeal is now moot and should be dismissed with prejudice.
2. The 30-day review period should be waived.
3. The proceeding should be closed.

**IT IS THEREFORE ORDERED that:**

1. The Appeal of Ted Peng Chu Wang, dba Teddy Express (TCP 33082) of Citation LAX-977, issued April 29, 2015, by the Safety and Enforcement Division pursuant to Resolution ALJ-187, is dismissed with prejudice.
2. Proceeding K.15-06-014 is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at the conference of the Public Utilities Commission of the State of California held on \_\_\_\_\_, 2015, the following Commissioners voting favorably thereon:

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Timothy J. Sullivan  
Executive Director

# **ATTACHMENT 1**

**From:** Kim, Kimberly  
**Sent:** Thursday, October 29, 2015 3:44 PM  
**To:** Kiss, Elizabeth  
**Subject:** FW: Email Ruling Off-calendaring August 12, 2015 Evidentiary Hearing (K.15-04-016)

**From:** ted wang [<mailto:teddyexpress1@gmail.com>]  
**Sent:** Monday, August 10, 2015 5:49 PM  
**To:** Kim, Kimberly  
**Cc:** Brown, Allison; Johnson, Adrienne D.; Aguilar, Arocles; Malashenko, Elizaveta I.; Beck, Valerie; Clarke, Haydee V.; ALJ Docket Office; ALJ Process; ALJ\_Support ID; Gonzalez, Ana M.; Hoang, Ann T.  
**Subject:** Re: Email Ruling Off-calendaring August 12, 2015 Evidentiary Hearing (K.15-04-016)

**Re:** Teddy Express Appeal Number K.15-06-014, please note that among last Friday's email exchange between ALJ Kim and Ms. Allison Brown, **my appeal number was mistakenly referenced as K.15-04-016. The correct number is K.15-06-014 as specified above.**

Dear ALJ Kim,

Per your instructions on 8/7/2015 email regarding my appeal case **K.15-06-014**, I hereby respectfully request your permission to withdraw my appeal and officially close the case. If this email request is not sufficient to withdraw the appeal or there is anything else I should do to satisfy court requirements, please let me know at your earliest convenience. Thank you very much!

Respectfully yours,  
Ted wang  
Teddy express

On Fri, Aug 7, 2015 at 4:11 PM, Kim, Kimberly <[kimberly.kim@cpuc.ca.gov](mailto:kimberly.kim@cpuc.ca.gov)> wrote:  
Thank you counsel.

This hearing is off-calendared based on your below representation. If the withdrawal of appeal is not filed within two weeks, this matter maybe recalendared.

Docket office shall file this email ruling.

Best,

ALJ Kim

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From: Brown, Allison  
Sent: Friday, August 07, 2015 3:45 PM  
To: Kim, Kimberly; [TeddyExpress1@gmail.com](mailto:TeddyExpress1@gmail.com); Johnson, Adrienne D.; Aguilar, Arocles; Malashenko, Elizaveta I.  
Cc: Beck, Valerie; Clarke, Haydee V.  
Subject: RE: K.15-04-016 Hearing

Judge Kim,  
SED and Mr. Wang have informally resolved Citation LAX-977, appealed as K.15-04-016. We request that the appeal be dismissed, and as such we will not need hearings next week. The parties can provide additional information or be available to discuss if needed.  
Thank you,

Allison Brown  
Attorney for the California Public Utilities Commission  
[\(415\) 703-5462](tel:(415)703-5462)  
[allison.brown@cpuc.ca.gov](mailto:allison.brown@cpuc.ca.gov)

From: Kim, Kimberly  
Sent: Friday, August 07, 2015 12:05 PM  
To: Brown, Allison; [TeddyExpress1@gmail.com](mailto:TeddyExpress1@gmail.com); Johnson, Adrienne D.; Aguilar, Arocles; Malashenko, Elizaveta I.  
Cc: Beck, Valerie; Clarke, Haydee V.  
Subject: RE: K.15-04-016 Hearing

Ms. Brown.

Please update me on your client's position on hearing readiness ASAP.

ALJ Kim

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From: Kim, Kimberly  
Sent: Thursday, August 06, 2015 2:07 PM  
To: Brown, Allison; [TeddyExpress1@gmail.com](mailto:TeddyExpress1@gmail.com)<<mailto:TeddyExpress1@gmail.com>>; Johnson, Adrienne D.; Aguilar, Arocles; Malashenko, Elizaveta I.  
Cc: Beck, Valerie; Clarke, Haydee V.  
Subject: RE: K.15-04-016 Hearing

Counsel,

All the plans have been made and I highly disfavor continuances this close to hearing date. However, if you can show that SED cannot proceed without that one witness and if the appellant stipulates to a reasonable postponement, I will consider it

ALJ Kim

From: Brown, Allison

Sent: Thursday, August 06, 2015 9:56 AM

To: [TeddyExpress1@gmail.com](mailto:TeddyExpress1@gmail.com)<mailto:[TeddyExpress1@gmail.com](mailto:TeddyExpress1@gmail.com)>; Johnson, Adrienne D.; Brown, Allison; Aguilar, Arocles; Malashenko, Elizaveta I.; Kim, Kimberly  
Cc: Beck, Valerie; Clarke, Haydee V.

Subject: K.15-04-016 Hearing

ALJ Kim,

I was alerted yesterday that the SED investigator on this proceeding is on medical leave for several weeks, as such the investigator is not available for the hearing nor for a pre-hearing meet and confer as directed in your Ruling. I apologize for the late notice, but SED respectfully requests a postponement of the hearing, currently scheduled for August 12 in Los Angeles. I am coordinating with SED, cc'd on this email, to determine when the investigator will be available or if this proceeding could potentially be reassigned. I have not had an opportunity to discuss this with Mr. Wang, as I wanted to alert you as soon as possible, but I understand that his operating license was reinstated on June 17 so will be able to operate during a postponement. Additionally, a postponement will allow time for a meet and confer, which could potentially alleviate the need for a hearing.

Thank you,

Allison Brown

Attorney for the California Public Utilities Commission

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(END OF ATTACHMENT 1)

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

K1506014 LIST

Dismissing the Appeal of Ted Peng Chu Wang, dba Teddy Express (TCP 33082) from Citation  
LAX-977 issued April 29, 2015 by the Safety and Enforcement Division pursuant to  
Resolution ALJ-187

\*\*\*\*\* PARTIES \*\*\*\*\*

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\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

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